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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,758	08/21/2003	Toshiyuki Kitahara	Q77074	7284
7590	05/02/2006		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213				BLOUIN, MARK S
		ART UNIT		PAPER NUMBER
		2627		

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/644,758	KITAHARA, TOSHIYUKI
	Examiner	Art Unit
	Mark Blouin	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2006.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **Detailed Action**

### ***Response to Amendment***

- The reply filed on March 13, 2006 was applied to the following effect: Claims 2, 19, and 20 are amended.

### ***Claim Rejections - 35 USC § 112***

1. All relevant rejections have been satisfied.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama (USPN 6,674,596).
2. Regarding Claim 1, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge that includes a recording medium (3) and a cartridge memory (4), wherein the recording medium includes a write-once area (WORM), in which the re-write of data is forbidden, and a re-writable area (Col 21, line 62), in which the re-write of data is allowed, and wherein the cartridge memory holds range information (Figs. 6-9) that shows the range of the write-once area on the recording medium.

3. Regarding Claim 2, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein the recording medium is divided into a plurality of sections (Figs. 6-9), and each section has a unique identification code, wherein the cartridge memory holds identification information showing that the section identified by the unique identification code is the write-once area or the re-writable area.

4. Regarding Claim 3, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein a plurality of write-once areas and re-writable areas are lined up on the recording-medium, and wherein the cartridge memory holds information showing a position of a boundary between the write-once area and the re-writable area (Figs. 6-9).

5. Regarding Claim 4, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein the range information includes address information, showing a position of a boundary between the write-once area and the re-writable area and detail information showing that which of a start point of the write-once area and an end point of the write-once area corresponds to the position identified by address information (Figs. 6-9).

6. Regarding Claims 5-8, Takayama shows (Figs. 1 and 3A) the recording medium (3) is a magnetic tape.

7. Regarding Claim 19, Takayama shows (Figs. 1 and 3A) a recording/reproducing device for performing the recording/reproducing of a data on/from the recording-medium cartridge, the recording-and-reproducing device comprising: a range information reader, which performs a readout of the range information, a distinction unit, which performs the distinction between the write-once area and re-writable area on the recording medium based on the range information, and a recording/reproducing unit, which performs the recording/reproducing of data on/from the

recording medium, wherein the recording /reproducing unit performs the recording of data only on the re-writable area by referring to the distinction result of the identifier (Columns 9-12 – Structure of Data on Magnetic Tape).

8. Regarding Claim 20, Takayama shows (Figs. 1 and 3A) the recording-and-reproducing device wherein, the identifier regards whole area of the recording medium as the write-once area, when the range information obtainer cannot perform the readout of the range information from the cartridge memory (Columns 9-12 – Structure of Data on Magnetic Tape).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (USPN 6,674,596).

11. Regarding Claims 9-18, Takayama shows all the features described, *supra*, including a recording media cartridge with a recording medium, but does not show the recording medium as a magnetic disk, optical tape, or an optical disk.

Official Notice is taken that magnetic disks, optical tape, and optical disks used as recording media is well known in the art. Therefore, it would have been obvious at the time of the invention to use magnetic disks, optical tape, and optical disks as the recording media.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to use magnetic disks, optical tape, and optical disks as recording media since they are art recognized equivalent methods for storing data.

***Response to Arguments***

12. Applicant's arguments filed March 13, 2006 have been fully considered but they are not persuasive.

Applicant asserts on page 6:

Takayama fails to disclose a **write-once** and **rewrite area** on the magnetic tape.

The Examiner maintains that Takayama clearly shows in columns 9-12, under "Structure of Data on the Magnetic Tape" that the recording medium provides these features and specifically identifies it as "WORM" – **write once**, read many – and identifies partitions on the tape where data is re-written (Col. 16, line 20). Therefore, the rejection of claims 1-20 is upheld.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Blouin  
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April 18, 2006

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